

I wanted to inform you of my concerns with legislation that was passed this week by the Senate Environment and Public Works Committee that would greatly expand the regulatory authority of the federal government under the Clean Water Act (CWA). S. 787, the "Clean Water Restoration Act," seeks to replace the term "navigable waters" with simply "waters of the United States."

I am very concerned that an overly expansive view of the term "waters of the United States" - whether through regulation or an amendment to the CWA passed by Congress - would significantly reduce the rights of private property owners without significantly enhancing environmental protection. This proposal would give EPA and the US Army Corps of Engineers (the two agencies largely tasked with implementation of the CWA) sole jurisdiction over any standing water across the country. Indeed, there is little land anywhere in the country that lacks some sort of hydrologic connection to a permanent body of water. Taken to the extreme, a broad interpretation of the CWA places the federal EPA and Corps as the central land-use authorities in the nation. I have opposed similar proposals in the past and would strongly oppose this legislation should it come before the House of Representatives for consideration.

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